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December 15, 2020

VIA ECF

Hon. Paul A. Engelmayer
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *MDA Manufacturing, Inc. v. Mexichem Fluor Comercial S.A. De C.V.*,
Civil Action No. 20-cv-03835
Joint Letter Motion to Partially Seal Initial Pretrial Conference Letter

Dear Judge Engelmayer:

We write on behalf of plaintiff MDA Manufacturing, Inc. (“MDA”) and defendant Mexichem Fluor Comercial S.A. De C.V. (“Mexichem”) (collectively, the “Parties”) in the above-captioned action. The Parties respectfully request an Order, similar to the Court’s previous Orders (*see, e.g.*, ECF Nos. 1, 8, and 23), granting the Parties leave to (i) file under seal the unredacted version of the Parties’ Joint Letter for Initial Pretrial Conference (“Joint Letter”), and (ii) file a redacted public version of the Parties’ Joint Letter. An unredacted version of the Parties’ Joint Letter, which highlights in yellow the portions that we propose to redact from the public version, is enclosed herewith.

As noted in previous letter motions (*see, e.g.*, ECF Nos. 1 and 20), there are two primary reasons for the Parties request to file their Joint Letter under seal. First, the relevant long-term supply contract (the “Contract”) and its terms, which are referenced in the Joint Letter, are subject to a confidentiality obligation. Specifically, Section 12 of the Contract requires the Parties to keep the Contract and its terms “strictly confidential.” Second, the Contract contains competitively sensitive pricing information, which is necessarily referred to in the Parties’ Joint Letter, and public disclosure of that information would cause harm to the Parties.

As with the Parties previous requests to file under seal, we have sought to minimize the necessary redactions, limiting them only to those portions that refer to confidential information. The Parties therefore respectfully asks the Court to endorse this letter, and to permit MDA, on behalf of the Parties, to file an unredacted version of the Joint Letter and to allow MDA to file publicly the redacted version of that Joint Letter.

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We appreciate your attention to this matter.

Respectfully submitted,

/s/ Allison L. Waks

Allison L. Waks

cc: Theodore M. Grossman, Esq.
Michael A. Platt, Esq.
Debbie McComas, Esq.
Joseph Lawlor, Esq.

Enclosure

Granted.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

December 16, 2020